

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 729 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

1. Whether Reporters of Local Papers may be allowed to see the judgements? Yes.

2. To be referred to the Reporter or not? No.

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3. Whether Their Lordships wish to see the fair copy of the judgement? No.

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.

5. Whether it is to be circulated to the Civil Judge?
No.

RAVINDRAKUMAR RANBAHADURSINGH GENERAL POWER OF ATTORNEY HOLD

Versus

STATE OF GUJARAT

Appearance:

MR NIGAM R SHUKLA for Petitioner

MS BR GAJJAR, Ld. APP for Respondent No. 1 & 2.

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 23/09/98

ORAL JUDGEMENT

Rule. Learned A.P.P. Ms. B.R. Gajjar, waives service of rule on behalf of respondents no.1 & 2.

2. The petitioner has challenged the order passed by respondent no.2 dated 11.7.98 in the proceedings of Crime Register No.168/98, registered at Chota-Udepur Police Station, confiscating a Truck bearing Registration No.MP-09-KA-2615. Respondent No.2 is present alongwith learned A.P.P. During the hearing, it transpires that before passing the impugned order, respondent no.2 had issued a notice in the name of registered owner of the said truck. However, somehow or other said notice could not be served and returned back, and thereby ex-parte order was passed.

3. It is the case of the petitioner that registered owner of the said truck Nanaksingh Harnamsingh Ajamani had given a power of attorney to the present petitioner Ravindrakumar Ranbahadursingh for the management of his business. If petitioner is given an opportunity, the petitioner shall appear before respondent no.2 and make necessary submission in respect to confiscation of the said vehicle.

4. In over-all consideration of facts and circumstances of the case, impugned order dated 11.7.98 passed by respondent no.2 in the proceedings of Crime Register No.168/98, registered at Chota Udepur Police Station, confiscating Truck No.MP-09-KA-2615, is hereby set aside and quashed.

5. The respondent no.2 is directed to issue a fresh notice to the present petitioner Ravindrakumar Ranbahadursingh at the address stated in title cost of the petition, and give due opportunity of hearing before deciding by de novo proceedings regarding the confiscation of the above stated truck. Rule is made absolute accordingly. D.S. permitted.

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